

**REMARKS**

1. Present Status of Patent Application

In response to the non-final office action dated April 5, 2005, Applicants respectfully request reconsideration based on the foregoing amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

2. Objection to Drawings

The drawings were objected to as failing to comply with 37 CFR 1.84(o). In particular, the Office Action states that the drawings should contain a suitable descriptive legend. In response, Applicants have amended the drawings to include descriptive legends for the figures. Thus, the objection of the drawings should be withdrawn.

3. Rejection of Claim 13 Under 35 U.S.C. §112

Claim 13 stands rejected under 35 U.S.C. §112, Second Paragraph, as purportedly being indefinite with regard to the phrase "such as," as recited in the claim. In response, claim 13 has been amended to overcome the rejection, and thus the rejection should be withdrawn.

4. Rejection of Claims 1-6, 8-12, and 14-19 35 U.S.C. §102(e)

Claims 1-6, 8-12, and 14-19 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by *Kweon* (U.S. Patent No. 6,667,771 B1). For a proper rejection of a claim under 35 U.S.C. Section 102, the cited reference must disclose all elements/features/steps of the claim. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988). Applicants respectfully traverse this rejection on the grounds that the reference does not disclose, teach, or suggest all of the claimed elements and steps.

a. Claim 1

As provided in independent claim 1, Applicants claim:

A wearable electromagnetic (EM) radiation transmitter/receiver comprising:

a front portion;

a rear portion, wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is worn inside at least part of the wearer's clothing, the front and rear portions being operable to communicate with one another; and

***a means to secure the front and the rear portion in position on a wearer's clothing, the securing means being configured when in use to be operable through a thickness of the wearer's clothing between the front and the rear portion.***

(Emphasis added).

Applicants respectfully submit that independent claim 1 is allowable for at least the reason that *Kweon* does not disclose, teach, or suggest at least the feature of “a means to secure the front and the rear portion in position on a wearer's clothing, the securing means being configured when in use to be operable through a thickness of the wearer's clothing between the front and the rear portion,” as recited in claim 1.

Rather, *Kweon* discloses at most a “portable camera [that] includes a case having a ball-point pen appearance.” Col. 1, lines 41-42. Therefore, *Kweon* discloses a front portion or front face of the ball-point pen structure with hole 27 and a clip 25 mounted on the front face of the ball-point pen structure. A rear portion or rear face of the ball-point pen structure opposes the front portion. Further, the “clip 25 is properly structured to fix the portable camera to a pocket of a shirt.” Col. 3, lines 49-50. As such, *Kweon* fails to disclose, teach, or suggest a “a means to secure the front and the rear portion in position on a wearer's clothing, the securing means being configured when in use to be operable through a thickness of the wearer's clothing between the front and the rear portion,” as recited in claim 1. (Emphasis added). For example, in *Kweon*, clothing is not positioned between the front and rear portions of the ball-point pen structure, since clothing is maintained on the exterior of the front and the rear portions of the ball-point pen structure. See Fig 5.

Also, *Kweon* describes the ball-point pen structure in terms of separate upper and lower sections: “The lower portion 21 and the upper portion 23 are engaged by screw portions formed in the lower and upper portions 21 and 32 respectively.” Col. 3, lines 57-59. “That is, as only an upper portion of a ball-point pen is held on a pocket of a shirt by a clip for use.” Col. 1, lines 57-60. Thus, this is an additional reason as to why *Kweon* fails to disclose a “securing means being configured when in use to be operable through a thickness of the wearer’s clothing between the front and the rear portion,” as recited in claim 1.

Because *Kweon* fails to disclose, teach, or suggest the above-emphasized features of claim 1, *Kweon* does not anticipate claim 1, and the rejection of claim 1 should be withdrawn.

b. Claims 2-6, 8, 10-12, and 14

Because independent claim 1 is allowable over the cited art of record, dependent claims 2-6, 8, 10-12, and 14 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 2-6, 8, 10-12, and 14 contain all the elements and features of independent claim 1. Additionally and notwithstanding the foregoing reasons for allowability of claims 2-6, 8, 10-12, and 14, these claims recite further features and/or combinations of features (as is apparent by examination of the claim itself) that are patentably distinct from the cited art of record. Accordingly, the rejections to these claims should be withdrawn.

c. Claims 9 and 15-17

Without addressing the validity of the rejections, claims 9 and 15-17 have been canceled without prejudice, waiver, or disclaimer, and therefore the rejections have been rendered moot. Applicants reserve the right to pursue the subject matter of these canceled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

d. Claim 18

As provided in independent claim 18, Applicants claim:

A wearable electromagnetic (EM) radiation transmitter/receiver comprising:

a front portion and

a rear portion, *wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is adapted to be worn inside at least part of the wearer's clothing, in which the front and rear portions are operable to communicate electrically with one another, and are physically connected to one another, in which the front and rear portions are electrically connected by means of an electrically conducting connection pin.*

(Emphasis added).

Applicants respectfully submit that independent claim 18 is allowable for at least the reason that *Kweon* does not disclose, teach, or suggest at least the feature “wherein the front portion includes a transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is adapted to be worn inside at least part of the wearer's clothing, in which the front and rear portions are operable to communicate electrically with one another, and are physically connected to one another, in which the front and rear portions are electrically connected by means of an electrically conducting connection pin,” as recited in claim 18.

Rather, *Kweon* discloses a “portable camera [that] includes a case having a ball-point pen appearance.” Col. 1, lines 41-42. *Kweon* describes at most a ball-point pen structure in terms of separate upper and lower sections: “The lower portion 21 and the upper portion 23 are engaged by screw portions formed in the lower and upper portions 21 and 32 respectively.” Col. 3, lines 57-59. “That is, as only an upper portion of a ball-point pen is held on a pocket of a shirt by a clip for use.” Col. 1, lines 57-60. Accordingly, *Kweon* fails to disclose, teach, or suggest at least the feature “in which the front and rear portions are operable to communicate electrically with one another, and are physically connected to one another, in which the front and rear portions are electrically connected by means of an electrically conducting connection pin,” as recited in claim 18. (Emphasis added).

Because *Kweon* fails to disclose, teach, or suggest the above-emphasized features of claim 18, *Kweon* does not anticipate claim 18, and the rejection of claim 18 should be withdrawn.

e. Claim 19

As provided in independent claim 19, Applicants claim:

A wearable electromagnetic (EM) radiation transmitter/receiver comprising:

a front portion and

a rear portion, *wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer's clothing, and wherein the rear portion includes a control section and is adapted to be worn inside at least part of the wearer's clothing, in which the front and rear portions are operable to communicate electrically with one another, in which the front portion is secured to the rear portion.*

(Emphasis added).

Applicants respectfully submit that independent claim 19 is allowable for at least the reason that *Kweon* does not disclose, teach, or suggest at least the feature of “wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer’s clothing, and wherein the rear portion includes a control section and is adapted to be worn inside at least part of the wearer’s clothing, in which the front and rear portions are operable to communicate electrically with one another, in which the front portion is secured to the rear portion,” as recited in claim 19.

Rather, *Kweon* discloses at most a “portable camera [that] includes a case having a ball-point pen appearance.” Col. 1, lines 41-42. *Kweon* describes the ball-point pen structure in terms of separate upper and lower sections: “The lower portion 21 and the upper portion 23 are engaged by screw portions formed in the lower and upper portions 21 and 32 respectively.” Col. 3, lines 57-59. “That is, as only an upper portion of a ball-point pen is held on a pocket of a shirt by a clip for use.” Col. 1, lines 57-60. Accordingly, *Kweon* fails to disclose, teach, or suggest at least the feature “wherein the front portion includes transmission and reception sections and is adapted to be worn outside a wearer’s clothing,” since camera circuitry 50 with image sensor 4 is contained in a middle portion of the ball-point pen structure that is worn inside a wearer’s clothing. *See* Fig. 5. Because *Kweon* fails to disclose, teach, or suggest the above-emphasized

features of claim 19, *Kweon* does not anticipate claim 19, and the rejection of claim 19 should be withdrawn.

4. New Claims 20-22

Claims 20-22 have been newly added to further define and/or clarify the scope of the various embodiments. Because independent claim 1 is allowable over the cited art of record, dependent claims 20-22 (which depend from independent claim 1) are allowable as a matter of law for at least the reason that the dependent claims 20-22 contain all the elements and features of independent claim 1.

**CONCLUSION**

In light of the foregoing amendments and for at least the reasons set forth above, Applicants respectfully submit that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,

  
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***AMENDMENTS TO THE DRAWINGS***

***In the Drawings:***

Please replace drawing sheet 1 (showing Figures 1-2) with the newly-submitted figures attached herewith on a separate sheet. The attached sheet includes changes to Figures 1 and 2.

Attachment: Replacement Sheet